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**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
AT COLUMBUS**

IN RE: Case No. 19-52868

Leonard Nyamusevya, Sr.
fdbा Academic I Am,
Debtor.

Chapter 7

Judge John E. Hoffman, Jr.

**RESPONSE TO DEBTOR'S MOTION FOR 21 DAYS SAFE HARBOR NOTICE
PURSUANT TO FED. R. BANKR. P. 9011(c)(1)(A)
FILED SEPTEMBER 26, 2019 AS DOC. NO. 99**

(PROPERTY ADDRESS: 2064 WORCESTER COURT, COLUMBUS, OH 43232)

Now comes Citimortgage, Inc. (hereinafter "Creditor"), and hereby files its Response to Debtor's Motion for 21 Days Safe Harbor Notice Pursuant to Fed. R. Bankr. P. 9011(c)(1)(A) filed herein with the Court on September 26, 2019 as PACER Docket No. 99 ("Motion"). Debtor's Motion alleges Creditor's September 20, 2019 Notice of Proposed Abandonment is "frivolous, unsupported, and fraudulently in bad faith and abuse of process." However, the Notice of Proposed Abandonment is appropriate and consistent with the rules of this Court.

This bankruptcy was filed on May 1, 2019 under Chapter 13 of the Bankruptcy Code. Attorney Harry W. Cappel of Dinsmore & Shohl LLP filed a Notice of Appearance, Request For All Notices, And Request For Special Notice and Inclusion on Mailing List on June 3, 2019 as PACER Docket No. 28. Attorney Nathan H. Blaske of Dinsmore & Shohl LLP filed Notice of Appearance, Request For All Notices, And Request For Special Notice and Inclusion on Mailing List on June 3, 2019 as PACER Docket No. 30.

Debtor filed a Notice of Voluntary Conversion to Chapter 7 on July 22, 2019. The Notice of Meeting of Creditors was filed on July 30, 2019 as PACER Docket No. 62. On September 6, 2019, Creditor presented an Abandonment Document to the Chapter 7 Trustee Christal L. Caudill. The 341 Meeting was conducted and concluded on September 12, 2019. On September 17, 2019, Creditor received an executed Abandonment from the Chapter 7 Trustee, a copy of which is attached as Exhibit A. On September 20, 2019, Creditor filed its Notice of Proposed Abandonment of Property as PACER Docket No. 91 notifying all parties that Creditor requested the Trustee to abandon certain real estate and that unless a written objection is filed with the Court within twenty-one (21) days stating a colorable basis for said objection, the Trustee may abandon the described real estate.

Southern District of Ohio Local Bankruptcy Rule 6007-1 provides, in relevant part:

ABANDONMENT

(a) Obtaining Abandonment.

(1) Request for Abandonment. When a party requests an abandonment and follows the notice procedure prescribed in (b) below, and no objection has been filed, that party shall prepare and submit to the trustee an abandonment document, which the trustee shall execute and return within fourteen (14) days of its receipt.

...

(3) General. The trustee may execute abandonments until the case is closed.

(b) Notice Procedure in Chapter 7 Cases.

(1) In § 341 Meeting Notice. . . . The § 341 meeting notice shall also provide that further notice to creditors and other parties in interest is not required for the abandonment of any property unless a party in interest, before the conclusion of the § 341 meeting, files a request for further notice of abandonment with service of such notice on the trustee, or unless further notice is ordered by the court or required by the trustee.

(2) Further Notice of Proposed Abandonment. If further notice of proposed abandonment is required, the party proposing the abandonment shall give such further notice to the party filing the request for such notice, or to any party ordered by the court or required by the trustee to receive such further notice.

(3) Certificate of Service. Any notice under (b)(2) above shall contain a certificate of service, indicating that the appropriate parties have been served, and such certificate shall be filed.

(c) Contents of Notice. A request pursuant to (a)(1) above or a motion pursuant to (a)(2) above shall contain:

- (1) A description of the property, and if it is real property, its designated address, if the property has an address;
- (2) A statement of the present fair market value of the property or an explanation why the statement is unnecessary or unavailable;
- (3) A statement of the payoff amounts of any encumbrances on the property as of the date of the filing of the notice or motion, or an explanation why the statement is unnecessary or unavailable; and
- (4) A statement that a written objection to the proposed abandonment, together with a request for hearing, must be filed and served on the trustee, the debtor, debtor's attorney and the party proposing abandonment, no later than twenty-one (21) days from the date of service of the notice or the property may be abandoned without further notice.
- (5) The original notice pursuant to (b)(2) above filed with the court and the copy served on the trustee shall contain copies of all documents by which any encumbrances against the property were created or perfected, or an explanation why the copies are unnecessary or unavailable. The copy of such notice forwarded to creditors shall contain a statement that said copies or explanation are on file with the court and available for review by interested parties.

(d) Responsible Party. *The creditor requesting and obtaining an abandonment from the trustee shall be responsible for insuring that the procedure outlined herein is followed.* S.D. LBR 6007-1 (emphasis added).

A party in interest, before the conclusion of the § 341 meeting, filed a request for further notices. As such, Creditor's Notice of Proposed Abandonment provided notice to the parties requesting such notice, pursuant to S.D. LBR 6007-1.

WHEREFORE, Creditor respectfully requested that Debtor's Motion for 21 Days Safe Harbor Notice Pursuant to Fed. R. Bankr. P. 9011 be denied.

/s/Edward J. Boll III

Edward J. Boll III, Case Attorney
Ohio Supreme Court Reg. No. 0072982
Mia L. Conner, Case Attorney
Ohio Supreme Court Reg. No. 0078162
LERNER, SAMPSON & ROTHFUSS
P.O. Box 5480
Cincinnati, OH 45201-5480
(513) 241-3100

(513) 241-4094 Fax
(877) 661-7891 Toll Free Fax
sohbk@lsrlaw.com
Attorneys for Creditor

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and by ordinary U.S. Mail on October 15, 2019 addressed to:

Leonard Nyamusevya Sr.
PO Box 314
Reynoldsburg, OH 43068

/s/Edward J. Boll III

Edward J. Boll III, Case Attorney
Ohio Supreme Court Reg. No. 0072982
Mia L. Conner, Case Attorney
Ohio Supreme Court Reg. No. 0078162
LERNER, SAMPSON & ROTHFUSS
P.O. Box 5480
Cincinnati, OH 45201-5480
(513) 241-3100
(513) 241-4094 Fax
(877) 661-7891 Toll Free Fax
sohbk@lsrlaw.com
Attorneys for Creditor